IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 15924 of 2005(U)

PETITIONER:

R.SUBRAMANIAN, 3305, 8TH CROSS 12,
A MAIN AAL 2ND STAGE, BANGALORE-550008.

BY ADV. SRI.V.G.SANKARAN

RESPONDENTS:
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1. MINISTRY OF AGRO AND RURAL INDUSTRIES
(COIR SECTION), UDYOG BHAVAN, NEW DELHI.

2. COIR BOARD, GOVERNMENT OF INDIA,
REP. BY CHAIRMAN, M.G.ROAD,
ERNAKAULAM KOCHI-682 016.

3. DIRECTOR OF PENSION,
DEPARTMENT OF PENSION & PENSIONER'S WELFARE,
GOVERNMENT OF INDIA, LOK NAYAK BHAVAN,
NEW DELHI-110003.

BY ADV. SRI.E.S.MUHAMMED KABIR, ADD.CGSC
GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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WP(C) NO: 15924/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PENSION PAYMENT ORDER DT. 31/07/80.

EXT.P2. COPY OF THE RESOLUTION.

EXT.P3. COPY OF THE APPLICATION DT. 1/2/99.

EXT.P4. COPY OF THE REPRESENTATION DT. 1/2/99.

EXT.P5. COPY OF THE REVISED PENSION PAYMENT ORDER DT. 23/4/99.

EXT.P6. COPY OF THE REPRESENTATION DT. 4/6/99.

EXT.P7. COPY OF THE PENSION PAYMENT ORDER DT. 5/7/99.

EXT.P8. COPY OF THE REPRESENTATION DT. 4/09/99.

EXT.P9. COPY OF THE ORDER DT. 30/12/99.

EXT.P10. COPY OF THE REPRESENTATION DT. 24/3/00.

EXT.P11. COPY OF THE REPRESENTATION DT. 24/3/00.

EXT.P12. COPY OF THE ORDER DT. 28/2/05.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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K.BALAKRISHNAN NAIR, J.

WP(C) No.15924 of 2005-U

Judgment

The petitioner was a Showroom Manager of the Coir Board. He retired from service on 31.05.1979. The Board introduced revision of pay for the Managers by Ext.P2 dated 25.09.1982. As per that order, those who have completed 20 years of service are entitled to be placed in the time scale of pay of Rs.700-1300. At the time of retirement, the petitioner had 21 years of service. So, he claimed that he may be placed in the above said time scale of pay and his pensionary benefits may be revised accordingly. After repeated representations, his claim was rejected by Ext.P12, stating that the revision under Ext.P2 was made for the employees in service and not for persons like the petitioner, who retired long ago. This Writ Petition is filed, challenging Ext.P12. The petitioner claims, since his pension was being revised as if he was in the time scale of pay of Rs.650-960, he should have been placed in the time scale of pay of Rs.700-1300.

2. The second respondent has filed a counter affidavit reiterating the stand taken in Ext.P12. Heard. Going by Ext.P2, it is clear that it is an order, meant for those who were in service and the same was not applicable to those who retired long ago, like the petitioner. So, his claim for placing him in the time scale of pay of

Rs.700-1300 in the light of Ext.P2 has been rightly rejected by Ext.P12. I find nothing illegal with Ext.P12, warranting interference with the same. Accordingly, the Writ Petition fails and it is dismissed.

07.09.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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